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Abstract:

This article explores work-care policy development in Western Balkans, focusing on a critical assessment of the potential of the European Union's policy framework to (re)shape the policies adopted in Western Balkans and boost gender equality in employment and care. Two policy measures at the centre of the European agenda are in focus: parenting leaves and early childhood education and care. The EU's employment-oriented policy framework has met underdeveloped childcare services network and mother-centred and stratifying leave policies in Western Balkans, providing ample space for improvements regarding gender imbalance in care and employment. While the EU policy framework may provide an important push factor towards introducing gender-equalising policies in Western Balkans, it can also bring minimum adjustments. The EU's ambiguous work-care policy framework, weak legitimacy of gender equality agenda and weak fiscal capacities in Western Balkans, and uncertainties about EU membership prospects may hamper progress towards more inclusive and gender-equal work-care policies.

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Challenges to the Europeanisation of Work-Care Policies in the Western Balkans

Introduction

The social investment perspective, that is, “the notion that social policy should be applied as a tool to enhance the productive capacity of families” (Parolin & Van Lancker, 2021:297), has become influential in calling for reforms and increased investments in work-care policies across Europe (Morel et al., 2012), particularly in early childhood education and care (ECEC) and parenting leaves.¹ The propensity of the European Union (EU) to that end became particularly visible with the introduction of the Social Investment Package in 2013, recalling a need to invest in ECEC in line with the Barcelona targets – asking member states to provide childcare to at least 90% of children aged three to compulsory school age and 33% of children under three (European Commission, 2013) – to intensify further with the European Pillar of Social Rights (EPSR) in 2017. ‘Work-life balance’ and ‘Childcare and support to children’ are among the key principles of the EPSR (European Commission, 2020) and Work-Life Balance Directive, asking for improvements on the gender dimension of parenting leaves, among the first initiatives resulting from the EPSR (de la Porte et al., 2020). The directive has also revived the gender dimension of the EU agenda, more explicitly but still timidly challenging the assumption that care work is women’s responsibility (Chierigato, 2021; Matero, 2021).

While these initiatives provide an important legitimising source for increased investments in work-care policies in (potential) member states and have strengthened gender equalising policies (de la Porte et al., 2020), the EU approach is not without criticism. This criticism points out an ambiguous and often too narrow character of both the social investment agenda (e.g., Cantillon & Van Lancker, 2013) and the gender equality agenda (e.g., Saraceno, 2015) that might hamper social progress for all. It also reveals the complex nature of adoption and implementation of the EU’s requirements that may result in ‘compliance gaps’ and increase

disparities among (potential) member states (Schimmelfennig & Sedelmeier, 2005; Dobrotić et al., 2013; Kazepov & Ranci, 2017; Soyaltin-Colella & Süleymanoğlu-Kürüm, 2021). The latter may be particularly the case in former socialist countries, such as the Western Balkan countries (WBCs). WBCs are marked by deep complexity in their transition from socialist to capitalist regimes, coupled with state- and nation-building as well as a high uncertainty about future political developments (including their EU membership prospects), weak legitimacy of the gender equality agenda and weak fiscal capacities (Deacon & Stubbs 2007; Dobrotić et al., 2013; O'Brennan, 2015; Kotevska, 2019; Stubbs & Zrinščak, 2019; Dobrotić & Obradović, 2020).

Against this backdrop, this article explores work-care policy development in WBCs (Bosnia-Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia), contributing to the debates on the capacity of the EU policy framework to (re-)shape these countries' work-care policies. The examination of WBCs – all potential EU member states – is particularly illuminating as these countries are not only low social spenders on family/children function (see Eurostat, 2021a) but have aimed to reinforce traditional, familistic policies with the onset of transition, shifting the responsibility for care to the private sphere (Shiffman et al., 2002; Dobrotić & Obradović, 2020). At the same time, their 'policy dialogue' with the EU through their Economic Reform Programmes has led to growing demands to focus more on employment-enabling policies, particularly those that would have a capacity to tackle the relatively low labour market participation of women in the region (European Commission, 2019, 2021). Yet within the context marked by conservative backlashes and uncertainties about EU membership prospects, the question remains whether and to what extent the EU could serve as a 'window of opportunity' for a strengthened gender equality agenda.

The article first highlights critical aspects of the EU's 'one-size-fits-all' approach to work-care policies development, such as employment first imperative, adverse distributive effects (i.e.,

the Matthew effect) and weak feminist potential of policies. Following this, developments in work-care policy in WBCs are analysed to understand better the potential of the EU policy framework to (re-)shape WBCs' work-care policy priorities and facilitate gender equality in employment and care. Two policy measures at the centre of the EU agenda are in focus – parenting leaves and ECEC availability. Addressing the complex nature of adoption and implementation of the EU's requirements in (potential) member states, the article's findings show that the EU policy framework may provide an important push factor towards introducing gender-equalising policies. However, the analysis also identifies 'risks' that may hamper progress toward more gender-equal (and inclusive) work-care policies in WBCs stemming from the EU's ambiguous work-care policy framework, weak legitimacy of gender equality agenda and weak fiscal capacities in the region, and uncertainties about EU membership prospects. It calls for the need to focus more on *effective* implementation of EU policies in (potential) member states (rather than just policy adoption), but also to critically assess the EU's work-care policy framework to better respond to multiple and intertwined inequalities across Europe and improve all parents' opportunities to engage in employment and care.

Work-care policies, EU's gender equalising role, and inequalities

In the last decade, work-care policies have gained new momentum at the EU level. More precisely, the parental leave directive has been revised twice. First, the 2010 Parental Leave Directive extended parental leave from three to four months per employed parent and introduced one month of non-transferable leave (cf. Directive 96/34/EC; Directive 2010/18/EU). Second, the 2019 Work-Life Balance Directive – aiming to strengthen the gender dimension of leave policies in Europe – extended the non-transferable parental leave from one to two months (out of four) per employed parent and introduced ten working days of paternity leave. The novelty is also that both rights should be compensated at the level determined by the member state; however, the minimum floor of “at least at the level of sick pay” is set for

paternity but not parental leave (Directive 2019/1158/EU). The EU has also boosted investments in ECEC across Europe through its funds (Eurydice, 2014), while the ESPR action plan foresees a revision of the Barcelona targets to foster an upward convergence in ECEC attendance rates across member states (European Commission, 2021a). Furthermore, the Child Guarantee initiative was launched, calling member states to guarantee free and effective access to ECEC for children in need and, as part of a strategic framework for cooperation in education and training, a new EU-level target was set asking member states to achieve a target of 96% of children aged three to compulsory school age participating in ECEC by 2030 (Council of the EU, 2021).

The EU's prioritisation of children is seen as a positive policy development (Rigby, 2020), as well as its strengthened role as a "gender equalising regulatory welfare state",ⁱⁱ that is, "a welfare state that creates new regulations to promote gender equality" (de la Porte et al., 2020:85). Yet some critical aspects have been raised concerning the EU's 'one-size-fits-all' approach centred around employment-oriented work-care policies (Saraceno, 2015; Kazepov & Ranci, 2017). The first set of concerns stresses the ambiguous and too narrow character of both the social investment and gender equality agenda, which primarily benefits those already better off (Cantillon & Van Lancker, 2013; Saraceno, 2015). One critical aspect in this regard relates to "the employment first imperative and [...] a narrow construction of work-family conciliating policies as purely instrumental—to push or pull more women into the labour force, while not discouraging fertility" (Saraceno, 2015:261). There is concern that these developments risk devaluing other legitimate policy goals (e.g., acknowledgement of the costs of children, right to care, gender inequalities within the household) and rendering societal priorities secondary to employment, human capital and fertility, which may particularly affect households with weak employment opportunities and low human and social capital, and expose

them to increased risk of (in-work) poverty and adverse gender equality outcomes (Saraceno, 2015).

Within the context of the deregulation of labour markets (Perišić & Vidojević, 2015; Spasova et al., 2017), the latter point is closely connected to another critical aspect underlining the adverse distributive effects of social investment policies (i.e., *the Matthew effect*), particularly in relation to policy measures granted on an underlying logic of (stable) employment (Cantillon & Van Lancker, 2013; Dobrotić & Blum, 2020). In this regard, it is emphasized that economically disadvantaged families are less likely to benefit from paid parenting leaves and ECEC of good quality, while a socially stratified pattern of their use is present also in countries having the most equalising policy designs (Ghysels & Van Lancker, 2011; Pavolini & Van Lancker, 2018; Blum & Dobrotić, 2021). However, the Matthew effect is not addressed by the Work-Life Balance Directive built on an image of ‘average worker’, which continues to provide a space for an increasing number of non-standard workers (e.g., self-employed, platform economy workers) to fall outside the scope of the directive, as well as for those in unstable employment who face difficulties in meeting tenure-related eligibility criteria (Dobrotić & Blum, 2020; Chierigato, 2020).ⁱⁱⁱ While recent EU activities envisaged in ECEC (e.g., Child Guarantee) could address some of the concerns related to the Matthew effect, the final implementation is in the hands of member states.

The Work-Life Balance Directive made a step forward in addressing gender imbalance in care by accentuating fathers’ rights; however, concerns about the weak ‘feminist potential’ of the EU’s work-care policies are not fully overcome, leading to another critical aspect. Namely, leave policy literature emphasises that only *well-paid* leaves earmarked for fathers demonstrate a potential to challenge the gendered division of care work (Doucet & McKay, 2020), while the decision on the level of payment for earmarked parental leave months is entirely left to member states. That opens a space for minimum compliance, leaving gender inequalities in the private

sphere further unchallenged. That may be particularly the case in countries with weak gender equality agenda coupled with political and societal tensions that may arise with the introduction of fathers' leave entitlements (e.g., violation of 'families' right to choose') or countries with considerable fiscal constraints having limited space for new investments in leaves (Dobrotić et al., 2013; Kazepov & Ranci, 2017; de la Porte et al., 2020), both conditions being present in WBCs (Deacon & Stubbs, 2007; Stambolieva, 2016; Dobrotić & Obradović, 2020). In addition, general economic liberalisation, coinciding with "neoliberal policy orthodoxy" (Stambolieva, 2016:2) requiring 'less state' and cost-containment (Deacon, 2007; Stubbs & Zrinščak, 2019), could further slow down improvements in leave entitlements.

The second set of concerns is therefore associated with the very transfer of the EU policy framework into (potential) member states. There is a complex nature of adoption and implementation of the EU's requirements across Europe, including a potential tension between EU regulation and the institutional context in member states (Schimmelfennig & Sedelmeier, 2005; Dobrotić et al., 2013; de la Porte et al., 2020; Soyaltin-Colella & Süleymanoğlu-Kürüm, 2021). This could be seen in the previous postsocialist enlargement waves: although the EU's agenda offered an important 'window of opportunity' to put gender equality topics onto the political agenda (including non-binding issues), the results were limited, as reflected in the resistance to the implementation of transposed legislation due to a range of country-specific circumstances (e.g., neoliberal and conservative actors; nationalism; the church; weak capacity of the women's movement; anti-gender movements; populism) and the limited learning through Europeanisation (Dobrotić et al., 2013; Lendvai-Bainton, 2020). Similar challenges were also observed in other areas of social policy and regions, bringing about partial (or even selective), uneven and often limited implementation of the EU social policy framework across the member states and pointing out the limits to *effective* implementation imposed by both the EU (e.g., constraints coming from economic and monetary governance) and domestic factors (e.g., lack

of political will, budgetary constraints, weak implementation capacity) (cf. de la Porte & Natali, 2014; Gómez Urquijo, 2017; Vanhercke et al., 2020). All these circumstances have facilitated an uneven implementation of policies across Europe, contributing to an increase in disparities between member states (Kazepov & Ranci, 2017).

Therefore, while recent EU developments have expanded the scope of work-care policies, particularly in relation to their gender equalising potential, and put new requests in front of (potential) member states regarding both parenting leaves and ECEC services, outcomes will largely depend on the domestic processes. In other words, in WBCs, EU-driven reforms could bring growing compliance with employment-oriented work-care policies informed by social investment and, to some extent, gender equality perspective; however, the final outcome will also be informed by other perspectives specific to the region such as neoliberalism or pronatalism (Deacon & Stubbs, 2007; Stambolieva, 2016; Dobrotić & Stropnik, 2020). While these perspectives partially overlap and may accentuate similar work-care policy instruments, there are important differences between them.

Both the perspective of gender equality and social investment aim to facilitate female employment, asking for increased state investments in employment-enabling policies (e.g., shorter leaves for employed parents, ECEC); however, gender-equality-oriented reforms would put a much stronger focus on income inequalities and the unequal division of unpaid work (e.g., asking *well-paid* fathers-only leaves) as well as the recognition of care work (e.g., asking universal care payments, higher valorization of care work; see Auth & Martinek, 2017). Similarly, while the ‘employment-first imperative’ is a characteristic of both social investment and neoliberalism, reforms inspired by neoliberal logic would ask for minimal state responsibility (e.g., unpaid leaves, private ECEC; cf. Blum et al., 2014; Saraceno, 2015). Finally, an adequate level of fertility is an integral part of the social investment perspective (Saraceno, 2015; Auth & Martinek, 2017); however, pronatalism as a stand-alone perspective

known in the region would primarily seek policy instruments (financially) ‘rewarding’ parents with more children, accentuating familistic measures (e.g., long leaves, cash-for care benefits) targeting families with three (or more) children (cf. Shiffman et al., 2002; Dobrotić & Stropnik, 2020).

Following this framework, the next section first analyses the development and character of work-care policies in WBCs since the 1990s. Yet a brief insight into the socialist legacy is also provided, given its importance for understanding later developments. The analysis focuses on the development of parenting leaves and ECEC services, considering indicators such as the duration of leaves, leave benefits level, the gender distribution of leaves and ECEC availability, which are crucial to gaining insight into policy design aspects of current EU interest. As the institutional context in each country, and in particular the fit-misfit with the EU framework, is among the crucial factors shaping (potential) member states’ compliance patterns (de la Porte et al., 2020; Soyaltin-Colella & Süleymanoğlu-Kürüm, 2021), this is an essential step towards the section presenting a critical assessment of the potential of the EU’s work-care policy framework to challenge the policies adopted in WBCs and boost gender equality in employment and care.

Work-care policies development in Western Balkan Countries

To better understand the institutional context in the WBCs, into which the EU inserts its requirements, first their history of work-care policies will be briefly addressed. Like other postsocialist countries, WBCs have a long tradition of maternity leaves, which, following the 1919 ILO convention on maternity protection, started to be introduced in the 1920s (Dobrotić & Stropnik, 2020). However, early social insurance programmes were underdeveloped and inconsistently implemented (Stambolieva, 2016), and more comprehensive *employment-oriented systems* began to be developed in the socialist period after the Second World War. In

that period, maternity leaves became a vital area of intervention as they were seen as necessary for women's participation in the labour market (Dobrotić & Stropnik, 2020; Dobrotić & Obradović, 2020). Until the late 1980s, Yugoslav labour market legislation thus gradually extended the right to well-paid maternity leave (100% of previous earnings) from an initial 2.8 to nine months (Dobrotić, 2019).

Yet there were differences between the republics starting from the 1970s, and some developed more extensive leave policies. This practice was less pronounced in southern republics, and among these only Bosnia and Herzegovina made progress towards that goal, together with Croatia and Slovenia, by introducing a well-paid one-year maternity leave, exceeding the general Yugoslav minimum (Table 1). The leave policy development of WBCs also differed from other socialist countries as they did not resort to the practice of introducing extended, typically three-year long and poorly paid 'childcare leave' on top of short and well-paid maternity leave (Dobrotić & Stropnik, 2020). It also differed from western European countries, which were frontrunners in introducing parental and paternity leaves, bringing more gender-sensitive leaves (Daly & Ferragina, 2018), both entitlements still largely absent in WBCs (Table 1).

ECEC systems also started to develop in the socialist period; however, services remained underdeveloped, providing access to affordable ECEC primarily to dual-earners in more developed (i.e. urban) areas (Dobrotić, 2019). Only 23% of children aged 3–6 participated in the ECEC programs in Yugoslavia in 1990, much less than 75% in the Czech Republic and Slovakia or 85% in Hungary (Zrinščak, 2002). The enrolment rates also varied among the republics; for example, estimates based on 1990 data show that these ranged from only 7.7% of children aged 0-6 in Bosnia-Herzegovina to 19.9% in Serbia (Dobrotić, 2019).

Table 1: Parenting leaves in the Western Balkans, 1990-2020 (first child; employment-based rights if eligibility criteria are met)

	1990		2000		2010		2020	
	months	RR	months	RR	months	RR	months	RR
Maternity leave								
Bosnia-Herzegovina ^a	12	100	12	(0-100)	12	(0-100)	12	(40-100)
Kosovo	9 ^b	100	2.8 ^c	75	12	0-70 ^d	12	0-70 ^d
Montenegro	9	100	12	100	2.4 ^{c#}	100	3.3	100*
North Macedonia	9	100	9	100	9	100	9	100
Serbia	9 ^b	100	3.9 ^{c#}	100	3.9	100*	3.9	100*
<i>EU directives</i>	-	-	3.3	MS	3.3	MS	3.3	MS
Paternity leave								
Bosnia-Herzegovina ^a	-	-	-	-	-	-	-	-
Kosovo	-	-	-	-	-	-	3 days ^f	100
Montenegro	-	-	-	-	-	-	-	-
North Macedonia	-	-	-	-	-	-	-	-
Serbia	-	-	-	-	-	-	-	-
<i>EU directives</i>	-	-	-	-	-	-	10 days	ms
Parental {childcare} leave								
Bosnia-Herzegovina ^a	-	-	-	-	-	-	-	-
Kosovo	-	-	-	-	-	-	-	-
Montenegro	-	-	-	-	10.6 ^e	100	8.8 [+1] [♦]	100*
North Macedonia	-	-	-	-	-	-	{3}	0
Serbia	-	-	{8.2} ^c	100	{8.2} ^g	100*	{8.2} ^g	100*
<i>EU directives</i>	-	-	6 [*]	-	7 [+1] [♦]	-	6 [+2] [♦]	- [MS]

Notes: Maternity leave must start 28 days before childbirth. RR=replacement rate (% of previous earnings); []=non-transferable leave; {}=childcare leave, i.e. leave introduced in addition to maternity leave, defined as primarily mothers' right transferrable to fathers; *=there is a ceiling on leave benefit (in 2020: 2 average wages in Montenegro, 3 average wages in Serbia); #=redistribution of leave rights between maternity and childcare/parental leave; ♦=parental leave is an individual right; MS=benefit level is defined by member states (in the case of paternity leave it cannot be lower than sick pay).

a= leave benefits' decentralisation in the 1990s; b= in 1992-1996 period leave duration was 12 months only for the first and second child, 24 months for the third child and 9 months for fourth and every subsequent child; in the 1997-2001 period leave duration for the third child was 24 months; c=2001 data; d=6 months of leave is paid 70% and 3 months of leave 50% of previous earnings, while 3 months of leave are unpaid; e=2011 data; f=fathers are also entitled to two weeks of unpaid leave; g=since 2005 leave for the third and every subsequent child is 20.2 months (since 2018 available only to parents in 'standard' employment, i.e., self-employed and occasionally employed or farmers are not entitled)

Source: Dobrotić & Stropnik (2020); Dobrotić (2021); Kotevska (2019); Mustafa (2021)

Post-1990 reforms favouring pronatalist and cost-containment measures

After 1990, WBCs' policies further diverged, clearly reflecting the circumstances each country has been facing after the dissolution of Yugoslavia and in the process of state- and nation-building. Two abrupt shifts challenged their employment-oriented work-care policies inherited from the socialist period. First, a societal re-traditionalisation – a 'return' to the "traditional and hetero-normative, patriarchal pre-socialist past" (Pavasović Trošt & Sloopmaeckers, 2015:158)

– often supported by explicit pronatalist agenda interwoven with an explicit (ethnicised) nationalist discourse (Shiffman et al., 2002), which has triggered reform proposals aimed at women’s redomestication (Perišić & Vidojević, 2015; Kotevska, 2019; Dobrotić & Obradović, 2020). Second, a process of transition from a socialist to a capitalist regime coupled with penetration of neoliberal ideas (Stambolieva, 2016), which only aggravated a wide range of social problems, and growing demands to reform most of the social policy areas became quickly faced with limited state capacities to address them. Moreover, in countries strongly affected by the 1990s wars the state’s limited (re)distributional capacities only exacerbated due to a need to take care of a large population of refugees and displaced persons and address newly emerging demands of large groups of war veterans requesting various social rights (Deacon & Stubbs, 2007; Stubbs & Zrinščak, 2019).

Under these circumstances, the focus was primarily on political and economic reforms backed up by international financial organisations (e.g., World Bank; International Monetary Fund), which demanded ‘less state’ and lacked a gender perspective (Bracewell, 2000; Deacon & Stubbs, 2007; Dobrotić et al., 2013.; Mustafa, 2021). In a newly set conservative and liberal market discourse, the official socialist gender equality agenda of “facilitating women’s (secondary) participation in the labour market” (Dobrotić & Stropnik, 2020:496) became questioned, including the dual-earner norm embedded in the socialist policy design. When put on the political agenda, ‘inherited’ work-care policies were primarily connected with pronatalist goals, with a policy response to negative socio-demographic trends being seen in familistic measures such as extended maternity leaves and/or cash-for-care benefits, especially for families with more children, while investments in new ECEC capacities were marginalised (Shiffman et al., 2002; Dobrotić, 2019; Dobrotić & Obradović, 2020). More visible progress regarding ECEC availability could be seen in Montenegro and Serbia (Table 2), primarily driven by recent international organisations’ organisational and financial support (Prica et al.,

2014; Perišić & Pantelić, 2021). Still, ECEC capacities remained underdeveloped in all WBCs, with children of parents with weak attachment to the labour market and of lower socioeconomic status as well as those living in less developed areas (typically rural and depopulated) being typically left out of the system (UNICEF, 2012; Prica et al., 2014).

Table 2: ECEC enrolment rates in Western Balkan countries 2000-2020

	2000	2005	2010	2015	2017
ECEC 0-2					
BIH	-	1.7	3.1	4.1	4.3
Kosovo	-	-	-	-	4.3*
Montenegro	3.5	7.8	14.0	17.9	21.1
North Macedonia	3.4	3.8	4.9	9.0	11.5
Serbia	8.4	9.4	13.3	22.3	23.1
<i>EU-target</i>	33.0	33.0	33.0	33.0	33.0
ECEC 3-6					
BIH	-	-	-	-	16.4
Kosovo	-	-	-	-	8.8 / 30.5*/**
Montenegro	26.6	31.3	40.6	43.0	48.1
North Macedonia	29.0	36.8	25.2	28.3	28.5
Serbia	47.3	48.8	55.3	58.6	60.8
<i>EU-target</i>	90.0	90.0	90.0	90.0	90.0

* 2019/2020 data; ** short school preparatory programs are included (see Mustafa, 2021).

Source: TransMonee (2020); Dobrotić (2021); Mustafa (2021)

In the end, due to limited fiscal capacities but also a lack of political will for comprehensive reforms (e.g., Obradović, 2021), WBCs kept most of the characteristics of policy design inherited from the socialist period. Post-1990 reforms primarily affected parenting leaves, layering them with pronatalist and cost-containment policy elements. Most WBCs have been ‘experimenting’ with different *pronatalist measures* aiming to postpone or limit women’s participation in the labour market; however, these were of more limited character than initially foreseen as they were subject to often revisions or withdrawal due to financial constraints (e.g., two-year maternity leave and a ‘lifetime monthly allowance’ for mothers with three or more children in Montenegro, Dobrotić, 2019).^{iv} Currently, only Serbia provides both an extended, well-paid two-year leave to employed – but not to self-employed or occasionally employed – parents with three or more children and a universal parental allowance for the third and fourth child paid through the period of ten years (a flat-rate benefit amounting around 20 and 30% of

the average net salary per month, respectively; Dobrotić, 2021). Mothers of three or more children become entitled to extended maternity leave – until the child turns 18 months – also in Republika Srpska and District Brčko in Bosnia-Herzegovina (Dobrotić & Obradović, 2020), while a parental allowance introduced in North Macedonia in 2010 (57.7% of the minimum wage paid monthly through 10 years) that was initially conditioned only by the birth of the third child was redefined into a means-tested benefit in 2019 (Gerovska Mitev, 2017; MISSCEO, 2021).

Cost-containment reforms (in)directly affecting leave benefits were prominent in all WBCs. Bosnia and Herzegovina and Kosovo were most affected due to a discontinuity with the rights inherited from the socialist period. More precisely, maternity leave benefits in Bosnia and Herzegovina were decentralised in the 1990s, and they ceased to exist in some cantons of the Federation of BiH, producing large territorial inequalities in fundamental maternity rights. Only some cantons continued to provide maternity benefits previously paid by the state, while others took almost 20 years to re-establish maternity benefits (e.g., Posavski Canton in 2015, and Herzegovina-Neretva Canton in 2017). Also, maternity benefits levels in the Federation of BiH decreased with decentralisation, as nowadays they typically range from 40-80% of the previous salary (Dobrotić & Obradović, 2020). Similarly, after an even more radical break with the socialist legacy in Kosovo, re-established maternity leaves in 2001 were also less generous (Table 1; cf. Mustafa, 2021).

While parenting leaves were not a subject of important reforms in North Macedonia (only unpaid ‘childcare leave’ was introduced; Table 1), Montenegro and Serbia took a more *indirect root* of cost-containment. Both countries introduced a ceiling on leave benefits – five average salaries since 2002 in Serbia to drop at three in 2018 and two average salaries in Montenegro since 2013 – affecting higher earners. Also, they gradually introduced stricter eligibility criteria for full leave benefits. That is, in the early 1990s, it was sufficient to be in employment at the

time of childbirth to be eligible for full leave benefit – 100% of the previous salary. However, nowadays, only parents with 12 (Montenegro) or 18 (Serbia) months of continuous insurance before the leave starts are eligible for full benefit, which negatively affects a growing number of parents with a weak connection to the labour market. Namely, the post-1990 economic liberalisation, dovetailing with the deregulation in the labour market, contributed to an increase in precarious employment (Perišić & Vidojević, 2015; Eurostat, 2021b) and a growing number of parents being ineligible for (decently) paid leaves. The adverse outcomes of these reforms have been to some extent ‘buffered’ in Montenegro through citizenship-based leave entitlements introduced in the early 1990s (i.e., flat-rate leave benefits aimed at unemployed parents), which is not the case in Serbia where citizenship-based leave benefits were withdrawn in the early 2000s, as was the minimum leave benefit in 2018 (Dobrotić, 2019, 2021). Finally, both countries restructured leave policies in the early 2000s. However, only Montenegro aligned with the 2010 Parental Leave Directive and implemented an individual right to parental leave (Table 1), including one month of well-paid non-transferable parental leave having a gender equalising potential (Dobrotić & Stropnik, 2020).

Therefore, the EU employment-oriented work-care policy framework has met mother-centred and stratifying leave policies and underdeveloped ECEC network in all WBCs providing ample space for improvements in relation to gender imbalance in care and employment. Yet there are also challenges associated with it, as discussed in the next section which addresses WBCs’ work-care policies fit (or misfit) with the EU policy framework as one of the crucial factors of accession compliance.

The Western Balkans’ work-care policies fit-misfit with the EU legal and policy framework

In assessing recent Economic Reform Programmes of WBCs, the European Commission raised the issue of the meagre participation of women in formal labour markets, that is, a persistent

gender employment gap (Table 3), identifying low availability of childcare (and eldercare) services as one of the crucial obstacles to (higher) women's participation in the labour market and calling for additional investments in the care sector. The structure of leave policies, including their gendering and stratifying character, has not been explicitly questioned (European Commission, 2019, 2021). The latter is not surprising, as alignment with EU directives would primarily imply improved fathers' entitlements (Table 4) and in earlier postsocialist enlargement waves, similar substantive compliance-related changes in normative areas – including gender issues perceived as those having a potential to interfere in the private sphere – were added to the EU negotiation agenda quite late, when they entered their final phase (cf. Dobrotić et al., 2013). Therefore, the *misfit* with the EU legal framework (Table 4) may provide an important push factor towards introducing (and discussing) more gender-equalising leave entitlements in all WBCs, in particular by adding an individual right to non-transferable parental leave and paternity leave to their leave policy design, as was already the case in Montenegro (cf. Table 1), and in Slovenia and Croatia in their enlargement processes (Dobrotić & Stropnik, 2020). However, due to uncertainty about the EU membership prospects (O'Brennan, 2015), this could also imply a long road to introducing fathers' entitlements with their attendant capacity to challenge inequalities in the private sphere and labour market.

Table 3: Employment rate (20-64) and gender employment gap (20-64) in the Western Balkans (2005-2020)

	2005	2010	2015	2020
Employment rate (20-64)				
Bosnia and Herzegovina	38,8*	42,8	43,2	47,7**
Kosovo	-	-	29,1	33,2**
Montenegro	47,1*	52,9	56,7	55,2
North Macedonia	43,9*	48,1	51,9	59,1
Serbia	54,0*	51,4	56,0	65,9
EU27	66,8	67,8	69,0	72,4
Gender employment gap (20-64)				
Bosnia and Herzegovina	-24,8*	-23,4	-21,5	-23,7**
Kosovo	-	-	-31,7	-38,5**
Montenegro	-15,1*	-15,3	-10,3	-12,9
North Macedonia	-19,6*	-20,9	-19,4	-19,9
Serbia	-20,7*	-16	-15,3	-14,0
EU27	-16,4	-13,3	-11,7	-11,3

Notes: *2006 data; **2018 data

Source: Eurostat (2021b)

Moreover, the gender-equalising potential of leave policy will largely depend on the compliance modality, which may be the subject of *resistance* to more substantive gender-equality-oriented developments. Namely, as pointed out earlier, the decision on the level of payment for earmarked months of parental leave is entirely left to member states, while paternity leave benefits may be subject to a ceiling. Nevertheless, adding paid paternity leave to the design of current leave policies, as well as the restructuring of current well-paid maternity and childcare leave provisions of moderate length as in the case of Montenegro (cf. Table 1, Table 4), could be a positive development. It could bring well-paid fathers-only entitlements and challenge current equality-impeding leaves, that is, mother-centred leaves that contribute to (maintaining) a gendered division of care work (Brighouse & Wright, 2008; Dobrotić & Stropnik, 2020). Still, within a context marked by traditional gender norms, this solution, and particularly the incorporation of exclusive fathers' entitlements (i.e., two non-transferable leave months) within the already existing months of maternity leaves, may face resistance. For example, such resistance has occurred in two Yugoslav successor-states – Croatia and Slovenia

– that have had stronger feminist movements than WBCs. It was stressed that this could reduce mothers’ rights (Kornitus & Stropnik, 2009; Dobrotić, 2012).

In the end, both countries added exclusive fathers’ entitlements on top of already existing leave provisions – Slovenia a one-month paternity leave and Croatia two-month non-transferable parental leave. However, fathers’ entitlements are well-paid only in Slovenia, resulting in four-fifths of fathers taking around 15 days leave and over half taking on average 25 days of paternity leave (Stropnik, 2021). In contrast, in Croatia, fathers account for only 4.3% of all parental leave taken (Ombudsperson for Gender Equality, 2020), bringing a considerable *gap between legislative compliance and actual practices*. A low ceiling on parental benefit is stressed as one of the main obstacles to fathers’ leave-taking, besides an unsupportive working environment and a dominant perception of fathers as ‘secondary carers’ (Varga, 2021). Importantly, all Croatian governments stressed fiscal constraints as an obstacle for improving fathers’ entitlements, which could be even more so in WBCs with their lower social expenditures (e.g., 14.5% of GDP in North Macedonia compared to 19.7% in Croatia; Eurostat, 2021a).

Table 4: Fit-misfit of paternity and parental leaves with the Work-Life Balance Directive

	Current policy	Misfit
Bosnia-Herzegovina	PL: - PtL: -	PL: 8 months (2 paid and non-transferable) PtL: 10 working days (paid; at least sick pay)
Kosovo	PL: - PtL: 3 days (100%)	PL: 8 months (2 paid and non-transferable) PtL: 7 working days (paid; at least sick pay)
Montenegro	PL: 9.8 (1 non-transferable; 100%) PtL: -	PL: 1 non-transferable month (paid) PtL: 10 working days (paid; at least sick pay)
North Macedonia	PL: - PtL: -	PL: 8 months (2 paid and non-transferable) PtL: 10 working days (paid; at least sick pay)
Serbia	PL: - PtL: -	PL: 8 months (2 paid and non-transferable) PtL: 10 working days (paid; at least sick pay)

PL=parental leave; PtL=paternity leave.

There is also a risk of *adverse effects* such as deepening the so-called Matthew effect (Cantillon & Van Lancker, 2013) already inherent in the work-care policy design in WBCs favouring parents in stable employment (especially dual-earners). Namely, as pointed out above, the

Work-Life Balance Directive primarily foresees better rights of parents in ‘standard’ employment and with a stable attachment to the labour market, which may divert the policy focus away from the growing number of parents in precarious employment and, therefore, additionally reduce their access to adequate leave benefits and affordable ECEC services. This may also affect those parents not participating in the labour market who also face a lack of opportunities to engage in weak (formal) labour markets (Dobrotić, 2021).

While investments in public ECEC facilities, if further boosted through EU funds, may facilitate all parents’ (i.e. mothers) opportunities to engage in the labour market; these would need to be of a larger scale to meet the substantial needs (cf. Table 2) and leave the practice of enrolment criteria favouring dual-earners that primarily improves the situation of those better off (Prica et al., 2014; Dobrotić, 2021; Mustafa, 2021). Moreover, to address the Matthew effect, ECEC affordability – besides ECEC availability put at the centre of EU recommendations – would need greater attention which is also at odds in the region due to a growing practice of ECEC expansion relying on the (subsidized) market. For example, Kosovo’s recent experience of developing new ECEC capacities primarily via market-based provision clearly illustrates this risk, as this development mainly left social groups such as low-income families, or rural families without adequate access to affordable ECEC (Mustafa, 2021). Finally, governance issues may also hinder progress towards better work-care policies in WBCs, as illustrated by the experience of Bosnia and Herzegovina with its territorially and functionally highly fragmented system, as well as other countries in the region (Dobrotić & Obradović, 2020; Obradović, 2021; Mustafa, 2021).

Conclusion

This article has explored the development of work-care policy in WBCs, providing insight into the potential of the EU policy framework to (re-)shape their work-care policy priorities and facilitate gender equality in employment and care. In their recent assessments of WBCs’

Economic Reform Programmes, the European Commission has explicitly raised an issue of very low female employment in those countries, calling for employment-enabling policies. While the EU may provide an important legitimising source for increased investments in work-care policies^v and strengthen their gender equalising potential, WBCs also face some severe challenges in developing effective policies in this area.

One set of challenges relates to the EU's policy framework itself. Recent EU policy developments have been positive in different ways (see Chiericato, 2020; Rigby, 2020), but are still primarily built on a 'typical adult worker' blueprint. At the same time, there is growing evidence that policies built around an employment-first imperative are not working well for all parents (Ghysels & Van Lancker, 2011; Cantillon & Van Lancker, 2013; Pavolini & Van Lancker, 2018). They tend to exclude different groups of parents such as self-employed or precarious workers (Dobrotić & Blum, 2020). Besides, the issue of coherence between different policy instruments (e.g., parenting leaves and ECEC) – crucial for a “sustainable relationship between care, employment and gender” (Moss & Deven 2020:434) – is still unchallenged (e.g., the childcare-gap). The same holds for coherence between different levels of provision (e.g., state, regional, employers). Finally, the EU work-care policy framework continues to be ambiguous, opening a space for different compliance patterns in member states and producing different outcomes, not necessary equalising ones, among and within countries. The latter is not surprising as the history of the adoption of EU directives regulating parenting leaves has taught us how contentious changes can be and how reaching a consensus on minimum standards can be limited by various political, structural and normative factors inherent to member states (cf. Dobrotić et al., 2013; de la Porte et al., 2020). Yet, it has also taught us that changes in the direction of more comprehensive common standards are possible. However, a more ambitious agenda is needed, including a critical assessment of the EU work-care policy framework, which should be more considerate of multiple and intertwined inequalities in employment and care

(e.g., differences among member states and regions, the proliferation of precarious forms of work among certain groups of women, see Spasova et al., 2017), and a more comprehensive approach to policy implementation (e.g., a stronger focus on monitoring and supporting policy implementation).

The second set of challenges, related to meeting EU requirements and improving work-care policies independently, is related to WBCs themselves. First, gender equality-oriented policies have not been central in WBCs in recent decades, and gender inequalities associated with the division of work and care are not widely acknowledged. Moreover, these countries have been exposed to anti-gender narratives and a wave of re-traditionalisation, which has negatively affected the development of work-care policies. Second, the high degree of uncertainty about future political developments and the prospects for EU membership could also slow down the reforms in this field if substantive compliance-related changes in normative areas (typically faced with strong resistance) are added to the EU negotiation agenda in the final phases, as with previous postsocialist enlargement waves (see Dobrotić et al., 2013). Third, weak fiscal capacities may also undermine the already weak legitimacy of the gender equality agenda.

While fit-misfit with the EU policy framework is notable, and this may challenge equality-impeding parenting leaves (see Dobrotić & Stropnik, 2020), it can also bring minimum adjustments (e.g., poorly paid parental leaves) with only limited capacities to improve women's position in employment and care. Besides, as the EU framework is doing little to challenge socially stratified patterns of use of different work-care policy instruments, there is also a risk that WBCs will continue to prioritise the support for dual-earner families in stable employment. In combination with weak fiscal capacities, but also the acceptance of neoliberal policies that open a growing space to the market in the care provision, this could lead to a neglect of the needs of vulnerable parents lacking resources or those who are unable to enter the fragile labour

markets. In turn, this could hamper progress towards more inclusive work-care policies that would benefit all parents (see Dobrotić & Blum, 2020; Doucet, 2021).

Instead, what is needed is to create better opportunities for care and employment of different groups of parents by developing inclusive and degenderising work-care policies. In the face of growing non-standard employment, work-care policies “need to be disentangled, at least partially, from the labour market [... and approached] as both work and care policies” (Doucet, 2021:234), providing all parents with well-paid leaves and affordable ECEC irrespective of forms or previous length of their employment, but also “citizenship, or other criteria based on family, gender, or further personal characteristics” (Blum & Dobrotić, 2021:223). Besides, work-care policies aiming to bring substantive gender equality would put a stronger focus on *well-paid* fathers’ leave entitlements and similar measures addressing unequal redistribution of unpaid work and questioning an androcentric bias in the labour market.

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ⁱ The term ‘parenting leaves’ refers to maternity, paternity and parental leaves.

ⁱⁱ Regulatory welfare state refers to “capturing regulatory initiatives at a higher level of governance, with regulatory and fiscal implications for lower levels of governance” (de la Porte et al., 2020:85).

ⁱⁱⁱ Eligibility criteria for parental leave (may be „subject to a period of work qualification or to a length of service qualification, which shall not exceed one year”; Article 5.4) can be more strict than for both paternity leave (“shall not be made subject to a period of work qualification or to a length of service qualification”; Article 4.2) and paternity benefit (up to six months immediately prior to the expected date of the birth of the child; Article 8.2).

^{iv} The two-year maternity leave for (self-)employed mothers with three children in Montenegro was withdrawn after a short implementation period (1995–2003), as well as a ‘lifetime monthly allowance’ for mothers with three or more children introduced in 2016. The latter allowance amounting 40–70% of the average net salary became financially unsustainable and after it was reduced in the first implementation year (at 28–52% of average net salary); it was withdrawn in the mid–2017 based on the decision of the Constitutional Court (Dobrotić, 2019).

^v It can also provide financial support for ECEC.